

be the determining factor there, or in some of the other sectors of the world.

It is to a degree puzzling that those who at one time talked of full commitment of U.S. resources and personnel to almost every struggling nation of the world, now talk of withdrawing—in effect preaching the isolationism they so vigorously condemned just a few years ago.

I suggest that withdrawal of U.S. forces would not leave South Vietnam for the Vietnamese. Nor would it leave Asia for the Asians. It would leave Asia at the mercy of the Chinese Communists. With 700 million restless people, the Chinese Reds might welcome the diversion an all-out Communistic crusade in Asia would offer. No greater stimulus to such a drive could be offered than U.S. withdrawal from Vietnam.

Our sticking to the job in Vietnam is necessary to preserve our world respect. A few years ago, it was announced that we would begin withdrawing troops from Vietnam as the situation there was supposed to have improved. Just last week, we hit the 20,000 level in U.S. personnel—considerably more than 2,000 men we had when the announcement of the drawback was made in 1961. We further have urged that the South Vietnamese Government add 100,000 men to its commitment, bringing their total to 660,000.

We are now heavily engaged in Vietnam. A withdrawal would indicate to the world that the United States has neither the weaponry nor the stamina to meet the Communist threat of aggression head-on. A withdrawal would jeopardize our respect all over the world. Who could believe that we really mean it when we pledge full support, if we abandon the Vietnamese to the Reds?

I feel it is important that we Members of the Congress who have a deep and abiding concern for our Nation's future, point out that the new isolationist thinking is not that of the majority of Congress, and I am certain not that of the American people.

President Johnson in his state of the Union message said that the United States will continue to honor its commitment to freedom in Vietnam. I want to assure the President that I fully support this principle, and believe that my fellow Republicans also are behind any program to make a decisive effort to defeat the Vietcong and assure the future freedom and sovereignty of South Vietnam.

#### ANOTHER VICIOUS ATTACK AGAINST U.S. PROPERTY

Mr. SCHWEIKER (at the request of Mr. DEL CLAWSON) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWEIKER. Mr. Speaker, once again Americans are swallowing hard as they receive news of yet another vicious attack directed against U.S. property in a country into which our Nation has poured countless millions in aid. This time it was a rioting mob burning books at a U.S. Information Agency Library in South Vietnam. Not long ago, similar

vicious attacks occurred against U.S. diplomatic missions and libraries in a number of other countries which we have assisted, including Egypt and Indonesia.

As a concerned Member of Congress, I believe it is time the Government of our country speaks out in a firm voice regarding these actions, but even more important that we offer to the world, through the United Nations, constructive suggestions which might help avoid such incidents in the future.

A few weeks ago, I wrote the President expressing my grave concern and alarm with recent unjustified attacks and outlining a course of action. It is still my hope that the President will personally take more effective action in this field than we have witnessed to date. For the information of my colleagues, I am today inserting in the Record a copy of my proposals to the President:

DECEMBER 9, 1964.

THE PRESIDENT,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: The citizens of my district, as all American citizens, note with grave concern and alarm the recent unwarranted attacks upon U.S. embassies and legations abroad.

This unlawful practice of reckless destruction, which seems to have increased during the past few years, has not received the attention and strong response which it clearly deserves. By appearing to condone these actions in the past, we have allowed them to increase without justification. Such actions are an affront and an injury to the pride of all Americans.

These practices are not consistent with our traditions of accepting the presence of foreign embassies and legations in our own Nation regardless of our attitude toward the foreign policies and programs which these nations may choose. Nor are such acts of violence consistent with the inviolate protection to be accorded foreign embassies under existing international treaties and international law.

As the friendly hosts to the United Nations, and as good neighbors to all peoples of the world, Americans view with dismay the action taken in those countries where the United States has become the target of uncontrolled demonstrations and riots. These attacks have caused extensive damage to our embassies and have resulted in the harassment of embassy staff members abroad, as well as related destruction of personal property belonging to American citizens.

To all Americans and to people of good will throughout the world this injury is more than physical.

Many incidents have occurred, but I need draw your attention to but one of these to emphasize my feelings.

The new John F. Kennedy Library in Cairo, Egypt, with 27,000 books was one of the finest libraries in that city. It was appreciated, needed, and used beneficially by many Egyptian students. The mob-fired blaze which destroyed most of the volumes and buildings of this library destroyed also a symbol of the good will and willingness of the American people to help people in the developing nations abroad. Its destruction injures directly the memory of a great man, our late President, who believed deeply in the importance of learning as a way to find the wisdom needed by all nations and their leaders in a difficult and too often unknowledgeable age.

Peaceful public demonstrations certainly have a justifiable place in all democratic societies. They draw our attention to exist-

ing injustices and hasten the day when these injustices may be corrected. But wanton destruction of diplomatic buildings and centers of learning cannot be justified as an appropriate form of peaceful demonstrations.

I believe some of these outbreaks to be part of a coordinated effort by Communist groups and other extremist groups in foreign nations to fan a "hate the United States" attitude among people who look to our country as a leader of the free world and as a source of assistance.

As a foreign policy matter, we cannot and should not condone such activities.

As a first step in response to these actions, I believe it would be advisable and opportune for you, as President, to articulate now on behalf of the American people our Nation's extreme disgust and displeasure with such practices, and also our view that each nation is responsible for controlling and curbing such outbursts which result in violence and destruction against the property of foreign embassies.

As a second step, I would respectfully suggest you formally request the United Nations General Assembly, presently convened in the city of New York, to place on its agenda for consideration and review the existing international treaties and consular conventions which deal with these questions. The General Assembly through its appropriate committees could then determine what steps might be taken under United Nations law to assure protection of foreign embassies and consulates so that these properties remain inviolate again citizen attack. The appropriate United Nations committee might consider drafting a new convention, or amending existing agreements so that the responsibility of host nations in protecting the inviolate character of embassy property might be clarified.

I believe that the international relations between all nations would be substantially improved by creating a definite standard of responsibility to be adopted by all nations for securing such protection. These standards could best be adopted by placing this task with the United Nations which through its deliberations and recommendations could establish standards of behavior and responsibility to which all nations would be expected to adhere.

I offer this recommendation as a concerned Member of Congress, believing it is time the Government of our country speak out in a firm voice regarding these actions, but even more important that we offer to the world, through the United Nations, constructive suggestions which might help to avoid such incidents in the future.

Sincerely,

RICHARD S. SCHWEIKER,  
Member of Congress.

#### PRESIDENTIAL SUCCESSION

(Mr. FASCELL (at the request of Mr. EVANS of Colorado) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, whenever one of our Presidents becomes ill or dies there is invariably a flurry of concern about clarifying our laws so that we may be able to deal more effectively with such situations than we have in the past. Thus far such flurries have not resulted in action.

President Garfield lay unconscious for most of 80 days after he had been struck by an assassin's bullet. During that time the country was without a President even though the Constitution provides that when the President is unable to carry

out his duties the Vice President is to take over. It does not, however, say whether he is to become President or merely act as President. It does not say whether he is to take over until the end of the term or only until the President again becomes able. It does not say who will decide when such a disability begins and ends.

Because there is so much doubt about the law, Garfield's Vice President, Chester Arthur, did nothing. The doubt also dissuaded Vice President Marshall from acting during President Wilson's 18-month illness. The voluntary agreement between President Eisenhower and Vice President Nixon was not worked out until after the President had recovered from his last illness, too late for it to be useful. In any case, there is general agreement that a Vice President acting on the basis of a voluntary agreement cannot have the full confidence of the people. Only an amendment to the Constitution can provide the necessary air of legitimacy.

After each of these incidents, the problems of Presidential inability and succession were explored but not until last year was there any semblance of agreement on a way to solve them. In January of 1964, at the call of the American Bar Association, a dozen of the Nation's leading legal scholars met in Washington, discussed the possible solutions and after 2 days emerged with a consensus subsequently endorsed by the American Bar Association house of delegates. If there be no objection, Mr. Speaker, I shall include the text of that consensus and a description of the circumstances under which it was reached at the end of my remarks.

Later in January the Senate Subcommittee on Constitutional Amendments began hearings on Presidential inability which continued in February and March. From those hearings and the many executive sessions which followed them, there emerged Senate Joint Resolution 139 of the 88th Congress which the Senate passed by a vote of 65 to 0 shortly before adjournment last year. It is that measure which I introduce today. Though it is essentially the same as House Joint Resolution 1103 which I introduced in the 88th Congress, there are some differences.

This proposed constitutional amendment would solve two problems. It would solve the problem of vacancies in the office of Vice President, which has existed on 16 different occasions for periods totaling more than 37 years, by directing the President to nominate a Vice President who shall take office upon confirmation by a majority of both Houses of Congress. With the inauguration of Vice President HUBERT HUMPHREY on January 20, 1965, we have a Vice President of the United States for the first time in 14 months.

It would solve the problem of presidential inability by directing the Vice President to discharge the powers and duties of the presidential office whenever the President declares in writing that he is unable to carry them out or, if the President does not so declare, whenever the Vice President, with a writ-

ten concurrence of a majority of the heads of the executive department or such other body as Congress may by law provide, transmits to Congress his written declaration that the President is unable to discharge his duties. In either case, the President shall resume his office whenever he transmits to Congress his written declaration that no inability exists, unless the Vice President, with a written concurrence of a majority of the heads of the executive departments, transmits to Congress, within 2 days, his written declaration that the President is unable to carry out his duties. In such a case, Congress is to decide the issue immediately and unless two-thirds of both Houses decide that the President is unable, the President shall resume the powers and duties of his office.

Although this measure differs slightly from the American Bar Association consensus, the consensus was not framed in terms of approval of specific constitutional language. I have been informed that the American Bar Association is supporting the measure even though its house of delegates has not had an opportunity to take an official position on it.

More recently the committee for economic development has issued a national policy statement on Presidential succession and inability. The principal difference between their recommendations and this measure is that they would permit disagreements between the President and Vice President on disability to be resolved by the Cabinet. The Cabinet decision would stand unless upset by the Congress through the impeachment process.

On one thing there is complete agreement. There is urgent need for immediate action. In these perilous times there can never be a moment's doubt about whose hand is responsible for running this country. The resolution I introduce today is the best solution I have yet seen. Even if it might be improved with a change here and there, I think this is the measure about which the deliberations of our Committee on the Judiciary should center and I urge that those deliberations begin quickly.

#### APPENDIX

(Prior to the national forum sponsored by the American Bar Association a conference was held on Presidential inability and succession in Washington, D.C. The following consensus and analysis resulted from that meeting.)

#### CONSENSUS

The conference on presidential inability and succession was convened by the American Bar Association at the Mayflower Hotel, Washington, D.C., on January 20 and 21, 1964. The conferees were Walter E. Craig, president, American Bar Association; Herbert Brownell, president, Association of the Bar of the City of New York, and a former Attorney General of the United States; John D. Feerick, attorney, New York; Paul A. Freund, professor of law, Harvard University; Jonathan C. Gibson, chairman, standing committee on jurisprudence and law reform, American Bar Association; Richard H. Hansen, attorney, Lincoln, Nebr.; James C. Kirby, Jr., associate professor of law, Vanderbilt University, and a former chief counsel to the Subcommittee on Constitutional Amendments, Senate Judiciary Committee; Ross L. Malone, past president of the American Bar

Association, and a former Deputy Attorney General of the United States; Charles B. Nutting, dean of the National Law Center; Lewis F. Powell, Jr., president-elect, American Bar Association; Sylvester C. Smith, Jr., past president, American Bar Association; Martin Taylor, chairman, committee on Federal Constitution, New York State Bar Association; and Edward L. Wright, chairman, house of delegates, American Bar Association.

The members of the conference reviewed as a group the following statement at the close of their discussions. Although there was general agreement on the statement, the members of the conference were not asked to affix their signatures; and it should not be assumed that every member necessarily subscribes to every recommendation included in the statement.

The conference considered the question of action to be taken in the event of inability of the President to perform the duties of his office. It was the consensus of the conference that—

Agreements between the President and Vice President or person next in line of succession provide a partial solution, but not an acceptable permanent solution of the problem.

An amendment to the Constitution of the United States should be adopted to resolve the problems which would arise in the event of the inability of the President to discharge the powers and duties of his office.

The amendment should provide that in the event of the inability of the President the powers and duties, but not the office, shall provide upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office.

The amendment should provide that the inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide.

The amendment should provide that the ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing inability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress.

The conference also considered the related question of presidential succession. It was the consensus that—

The Constitution should be amended to provide that in the event of the death, resignation, or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term.

It is highly desirable that the office of Vice President be filled at all times. An amendment to the Constitution should be adopted providing that when a vacancy occurs in the office of Vice President, the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term.

#### REPEAL OF EXCISE TAX ON MUSICAL INSTRUMENTS

(Mr. BRADEMAS (at the request of Mr. EVANS of Colorado) was granted permission to extend his remarks at this